

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii  
citizen,

Plaintiff,

vs.

HAWAIIAN EXPRESS SERVICE,  
INC., a California  
corporation; H.E.S.  
TRANSPORTATION SERVICES,  
INC., a California  
corporation; CALIFORNIA  
PACIFIC CONSOLIDATORS,  
INC., a California  
corporation; JEFFREY P.  
GRAHAM and PETER SCHAUL,  
California citizens; MARK  
DILLON and TERESA NOA,  
BRIAN CHRISTENSEN, Hawaii  
citizens; FLEMING  
COMPANIES, INC., an  
Oklahoma corporation;  
C & S LOGISTICS OF HAWAII,  
LLC, a Delaware LLC;  
C & S WHOLESALE GROCERS,  
INC., a Vermont  
corporation; C & S  
ACQUISITIONS, LLC;  
FOODLAND SUPER MARKET,  
LIMITED, a Hawaii  
corporation; HAWAII  
TRANSFER COMPANY, LIMITED,  
a Hawaii corporation, DOE  
INDIVIDUALS 1-350; DOE  
PARTNERSHIPS, CORPORATIONS  
and OTHER DOE ENTITIES  
1-20,

Defendants.

) CIVIL NO. CV03 00385  
) SOM-LEK  
) (Copyright)

) DEPOSITION OF  
) MARK DILLON

) DATE TAKEN: 12-16-03

) VOLUME 1  
) Pages 1 - 171

COPY

1           ambiguous. "Your," you mean his, personally?

2           Q       (By Mr. Hogan) Well, the one that you  
3           created.

4           A       Is she accessing the spreadsheets with  
5           our data? Yes.

6           Q       How does she do that?

7           A       She operates her computer via remote  
8           control software just as she had done previously  
9           from home when she lived here.

10          Q       And she has an Internet connection to  
11          your knowledge?

12          A       Yes.

13          Q       Do you know who provides her the service  
14          for Internet connection?

15          A       No.

16          Q       Did Mr. Berry's database have a field  
17          called "Container Number"?

18          A       Something called "Container No."

19          Q       Did the one you created in June have a  
20          column called "Container No"?

21          A       No. It has a column called "Container  
22          Number."

23          Q       So you spelled out the word "number"?

24          A       That's correct.

25          Q       Now, did Mr. Berry's database have a

1 field called "Job No"?

2 A "Job No"? I don't believe so.

3 Q Did it have one that was called "Job  
4 Number"?

5 A No.

6 Q "Job ID"?

7 A Yes.

8 Q Do you have a column in your spreadsheets  
9 called "Job ID"?

10 A No.

11 Q Do you have one that equates to "Job ID"?

12 A Yes.

13 MR. HOSODA: The question is vague and  
14 ambiguous as to what "equates" means.

15 Q (By Mr. Hogan) Do you understand the  
16 question, sir?

17 A Yes, I understand.

18 Q Okay. And do you have a column in your  
19 spreadsheets that equates to "Job ID"?

20 MR. HOSODA: Same objection.

21 Q (By Mr. Hogan) If you understand the  
22 question, you can answer it, sir.

23 MR. HOSODA: I haven't instructed him not  
24 to.

25 THE WITNESS: Let's go on. My counsel's

1 instructed me not to answer.

2 MR. HOSODA: No, I said I have not  
3 instructed you not to answer.

4 THE WITNESS: Oh, okay. We have a field  
5 called "Order ID." Now, understanding -- I presume  
6 where you're going with this is that we're  
7 duplicating Mr. Berry's database. To have an ID  
8 column in any table is standard for the industry,  
9 for the IT industry. So if you have a spreadsheet  
10 of purchase orders, you'll have an order ID. If  
11 you have a database table of container data, you  
12 will have a container ID. It's just  
13 industry-standard stuff.

14 Q (By Mr. Hogan) When you created your  
15 column that you called job -- I'm sorry. What was  
16 the answer, sir? Order ID?

17 A Order ID.

18 Q At the time that you did that, did you  
19 have a copy of Mr. Berry's software in your  
20 possession?

21 A I don't understand what you mean by in my  
22 possession.

23 Q Okay. Was there a copy of it resident on  
24 the server in Kapolei?

25 A Yes, there was.

C E R T I F I C A T E

STATE OF HAWAII           )  
                                  )     ss.  
                                  )

I, LAURA SAVO, a Notary Public in and for  
the State of Hawaii, do hereby certify:

That prior to being examined, the witness  
herein, MARK DILLON, was sworn by me to testify to  
the truth, the whole truth and nothing but the  
truth;

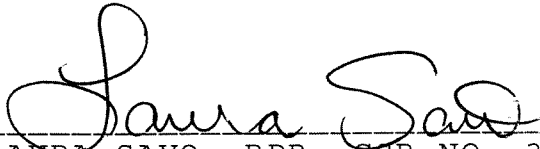
That the foregoing deposition was taken  
down by me in machine shorthand at the time and  
place herein stated, and was thereafter reduced to  
typewriting under my supervision;

That the foregoing is a full, true  
and correct transcript of said deposition;

That after said deposition was reduced to  
typewriting, the witness, in accordance with Rule  
30(e) of the Hawaii Rules of Civil Procedure, was  
duly informed of the right to make such corrections  
as might be necessary to render the same true and  
correct.

I further certify that I am not of  
counsel or attorney for any of the parties to this  
case, nor in any way interested in the outcome  
hereof, and that I am not related to any of the  
parties hereto.

Witness my hand and seal this 21st day of  
December, 2003.

  
LAURA SAVO, RPR, CSR NO. 347  
Notary Public, State of Hawaii  
My Commission Expires: 11/28/2005